

PROPOSITION 103

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2036

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; REPEALING ARTICLE XXVIII, CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA BY ADDING A NEW ARTICLE XXVIII; RELATING TO ENGLISH AS THE OFFICIAL LANGUAGE.

TEXT OF PROPOSED AMENDMENT

Whereas, the United States is comprised of individuals from diverse ethnic, cultural and linguistic backgrounds, and continues to benefit from this rich diversity; and

Whereas, throughout the history of the United States, the common thread binding individuals of differing backgrounds has been the English language, which has permitted diverse individuals to discuss, debate and come to agreement on contentious issues; and Whereas, in recent years, the role of the English language as a common language has been threatened by governmental actions that either ignore or harm the role of English or that promote the use of languages other than English in official governmental actions, and these governmental actions promote division, confusion, error and inappropriate use of resources; and Whereas, among the powers reserved to the States respectively is the power to establish the English language as the official language of the respective States, and otherwise to promote the English language within the respective States, subject to the prohibitions enumerated in the Constitution of the United States and federal statutes.

Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Article XXVIII, Constitution of Arizona, is proposed to be repealed as follows if approved by the voters and on proclamation of the Governor:

Article XXVIII, Constitution of Arizona, relating to English as the official language, is repealed.

2. A new article XXVIII, Constitution of Arizona, is proposed to be added as follows if approved by the voters and on proclamation of the Governor:

ARTICLE XXVIII. ENGLISH AS THE OFFICIAL LANGUAGE

1. Definitions

SECTION 1. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "GOVERNMENT" INCLUDES ALL LAWS, PUBLIC PROCEEDINGS, RULES, PUBLICATIONS, ORDERS, ACTIONS, PROGRAMS, POLICIES, DEPARTMENTS, BOARDS, AGENCIES, ORGANIZATIONS AND INSTRUMENTALITIES OF THIS STATE OR POLITICAL SUBDIVISIONS OF THIS STATE, AS APPROPRIATE UNDER THE CIRCUMSTANCES TO A PARTICULAR OFFICIAL ACTION.

2. "OFFICIAL ACTION" INCLUDES THE PERFORMANCE OF ANY FUNCTION OR ACTION ON BEHALF OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR REQUIRED BY STATE LAW THAT APPEARS TO PRESENT THE VIEWS, POSITION OR IMPRIMATUR OF THE STATE OR POLITICAL SUBDIVISION OR THAT BINDS OR COMMITS THE STATE OR POLITICAL SUBDIVISION, BUT DOES NOT INCLUDE:

(a) THE TEACHING OF OR THE ENCOURAGEMENT OF LEARNING LANGUAGES OTHER THAN ENGLISH.

(b) ACTIONS REQUIRED UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR OTHER FEDERAL LAWS.

(c) ACTIONS, DOCUMENTS OR POLICIES NECESSARY FOR TOURISM, COMMERCE OR INTERNATIONAL TRADE.

(d) ACTIONS OR DOCUMENTS THAT PROTECT THE PUBLIC HEALTH AND SAFETY, INCLUDING LAW ENFORCEMENT AND EMERGENCY SERVICES.

(e) ACTIONS THAT PROTECT THE RIGHTS OF VICTIMS OF CRIMES OR CRIMINAL DEFENDANTS.

(f) USING TERMS OF ART OR PHRASES FROM LANGUAGES OTHER THAN ENGLISH.

(g) USING OR PRESERVING NATIVE AMERICAN LANGUAGES.

(h) PROVIDING ASSISTANCE TO HEARING IMPAIRED OR ILLITERATE PERSONS.

(i) INFORMAL AND NONBINDING TRANSLATIONS OR COMMUNICATIONS AMONG OR BETWEEN REPRESENTATIVES OF GOVERNMENT AND OTHER PERSONS IF THIS ACTIVITY DOES NOT AFFECT OR IMPAIR SUPERVISION, MANAGEMENT, CONDUCT OR EXECUTION OF OFFICIAL ACTIONS AND IF THE REPRESENTATIVES OF GOVERNMENT MAKE CLEAR THAT THESE TRANSLATIONS OR COMMUNICATIONS ARE UNOFFICIAL AND ARE NOT BINDING ON THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

(j) ACTIONS NECESSARY TO PRESERVE THE RIGHT TO PETITION FOR THE REDRESS OF GRIEVANCES.

3. "PRESERVE, PROTECT AND ENHANCE THE ROLE OF ENGLISH" INCLUDES:

(a) AVOIDING ANY OFFICIAL ACTIONS THAT IGNORE, HARM OR DIMINISH THE ROLE OF ENGLISH AS THE LANGUAGE OF GOVERNMENT.

(b) PROTECTING THE RIGHTS OF PERSONS IN THIS STATE WHO USE ENGLISH.

(c) ENCOURAGING GREATER OPPORTUNITIES FOR INDIVIDUALS TO LEARN THE ENGLISH LANGUAGE.

(d) TO THE GREATEST EXTENT POSSIBLE UNDER FEDERAL STATUTE, PROVIDING SERVICES, PROGRAMS, PUBLICATIONS, DOCUMENTS AND MATERIALS IN ENGLISH.

4. "REPRESENTATIVES OF GOVERNMENT" INCLUDES ALL INDIVIDUALS OR ENTITIES DURING THE PERFORMANCE OF THE INDIVIDUAL'S OR ENTITY'S OFFICIAL ACTIONS.

2. Official language of Arizona

SECTION 2. THE OFFICIAL LANGUAGE OF THE

Arizona
2006 Ballot Propositions

General Election
November 7, 2006

STATE OF ARIZONA IS ENGLISH.

3. Preserving and enhancing the role of the official language; right to use English

SECTION 3. A. REPRESENTATIVES OF GOVERNMENT IN THIS STATE SHALL PRESERVE, PROTECT AND ENHANCE THE ROLE OF ENGLISH AS THE OFFICIAL LANGUAGE OF THE GOVERNMENT OF ARIZONA.

B. A PERSON SHALL NOT BE DISCRIMINATED AGAINST OR PENALIZED IN ANY WAY BECAUSE THE PERSON USES OR ATTEMPTS TO USE ENGLISH IN PUBLIC OR PRIVATE COMMUNICATION.

4. Official actions to be conducted in English

SECTION 4. OFFICIAL ACTIONS SHALL BE CONDUCTED IN ENGLISH.

5. Rules of construction

SECTION 5. THIS ARTICLE SHALL NOT BE CONSTRUED TO PROHIBIT ANY REPRESENTATIVE OF GOVERNMENT, INCLUDING A MEMBER OF THE LEGISLATURE, WHILE PERFORMING OFFICIAL DUTIES, FROM COMMUNICATING UNOFFICIALLY THROUGH ANY MEDIUM WITH ANOTHER PERSON IN A LANGUAGE OTHER THAN ENGLISH IF OFFICIAL ACTION IS CONDUCTED IN ENGLISH.

6. Standing; notification of attorney general; recovery of costs

SECTION 6. A. A PERSON WHO RESIDES OR DOES BUSINESS IN THIS STATE MAY FILE A CIVIL ACTION FOR RELIEF FROM ANY OFFICIAL ACTION THAT VIOLATES THIS ARTICLE IN A MANNER THAT CAUSES INJURY TO THE PERSON.

B. A PERSON WHO RESIDES OR DOES BUSINESS IN THIS STATE AND WHO CONTENTS THAT THIS ARTICLE IS NOT BEING IMPLEMENTED OR

ENFORCED MAY FILE A CIVIL ACTION TO DETERMINE IF THE FAILURE OR INACTION COMPLAINED OF IS A VIOLATION OF THIS ARTICLE AND FOR INJUNCTIVE OR MANDATORY RELIEF.

C. A PERSON SHALL NOT FILE AN ACTION UNDER THIS SECTION UNLESS THE PERSON HAS NOTIFIED THE ATTORNEY GENERAL OF THE ALLEGED VIOLATION AND THE ATTORNEY GENERAL OR OTHER APPROPRIATE REPRESENTATIVE OF GOVERNMENT HAS NOT PROVIDED APPROPRIATE RELIEF WITHIN A REASONABLE TIME UNDER THE CIRCUMSTANCES. AN ACTION FILED UNDER THIS SECTION MAY BE IN ADDITION TO OR IN LIEU OF ANY ACTION BY OFFICERS OF THIS STATE, INCLUDING THE ATTORNEY GENERAL.

D. A PERSON WHO FILES AND IS SUCCESSFUL IN AN ACTION UNDER THIS SECTION MAY BE AWARDED ALL COSTS EXPENDED OR INCURRED IN THE ACTION, INCLUDING REASONABLE ATTORNEY FEES.

3. This amendment is intended to be self-executing and does not require implementing legislation, but, subject to the provisions of the amendment if adopted, the legislature may enact any measure designed to further the purposes of the amendment.

4. If a provision of this amendment or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the amendment that can be given effect without the invalid provision or application, and to this end the provisions of this amendment are severable.

5. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 103 would replace the existing provision of the Constitution of Arizona with a new provision establishing English as the official language of this state. Representatives of the state or a local government would be required to preserve, protect and enhance the role of English as the official language.

Proposition 103 would require that all official actions of the government be conducted in English. Official actions include actions on behalf of the government that appear to present the position of the government or that bind the government. The proposition specifies situations in which state or local government could act in a language other than English, including:

1. When required by federal law or when necessary to preserve the right to petition the government.
2. In teaching languages other than English, or in using or preserving Native American languages.
3. In actions to protect the public health and safety, including law enforcement and emergency services, or to protect the rights of crime victims and criminal defendants.
4. Providing assistance to hearing impaired or illiterate persons.
5. In informal or nonbinding communications or translations among or between government officials and the public.
6. For actions necessary for tourism, commerce or international trade.

Proposition 103 would prohibit discrimination against a person because the person uses English in any public or private communication.

Proposition 103 also would allow a person who resides or does business in Arizona to enforce this new constitutional requirement in court. However, a person shall not file an action under this section unless the person has notified the attorney general of the alleged violation and the attorney general or other appropriate representative of government has not provided appropriate relief within a reasonable time under the circumstances. If the person is successful, they may be awarded costs and reasonable attorney fees.

ARGUMENTS "FOR" PROPOSITION 103

Ballot argument FOR Proposition 103
(English as official language)

English must be designated the official language of the state of Arizona. President Theodore Roosevelt made the simple observation that "we have one language here and that is the English language." English has always been the primary means of assimilating millions of immigrants into American society. A common lan-

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

Issued by: Secretary of State Jan Brewer

PROPOSITION 103

guage promotes unity and understanding and is as vital to the health of a nation as having a common currency. Had our government catered to each new group of immigrants by using their language instead of English, there would never have been any incentive to truly become Americans. Arizonans must recognize these facts and require that all official government actions be conducted in English. By making English the official language, we also eliminate the wasteful spending used to translate millions of state documents into hundreds of languages, although other languages can still be used in a wide variety of key government functions such as trade and tourism. By making English the official state language we provide an even greater incentive for all immigrants to learn English, become empowered and productive citizens, and participate in society as full Americans.

- Official English promotes unity.
- Official English empowers immigrants.
- Official English is common sense government.

The designation of Official English will eliminate the needless duplication of government services in multiple languages. It is not the responsibility of the taxpayer to provide services in the 329 different languages spoken in the United States.

The Honorable Russell Pearce, Arizona House of Representatives

Paid for by "Russell Pearce 2004"

The Arizona Farm Bureau supports proposition 103.

A measure with some similarities had been approved by the Arizona voters, but was ruled unconstitutional. This measure seeks to avoid such a pitfall by being more of a statement that English is the official language of government – more of a statement of principle.

Some call this divisive and insulting, but what we find troubling is that agreement as to English as a common denominator should be used as a method to unify us and cement shared civic traditions and values – not divide us.

For the economic and civic benefit of all of us, and for safety of workers, we should be promoting English as our official language. It does not exclude or deny other languages or deny anyone their culture, but reinforces that we all have a stake in an American society. It is not a statement of "English only."

This argument has ebbed and flowed since colonial times, but we keep coming back to the fact that we do need a common thread of language if we have any hope of keeping the rope that binds us together strong.

Kevin G. Rogers, President, Arizona Farm Bureau, Mesa

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau, Mesa

Paid for by "Arizona Farm Bureau"

As a candidate for Peoria School Board, parent, school volunteer, and community activist; I SUPPORT making English our official language. Official English promotes unity and encourages immigrants to learn English, which in turn, will provide them better opportunities. A study published by the U.S. Department of Labor found that immigrants learned English more quickly when there was less native language support around them. Making English our official language applies only to government functions. Language policies in private business will not be affected and private citizens are still free to use any language they wish in their daily lives. Use of foreign languages in public health and safety, tourism, and other common sense situations will still be allowed. 27 states have some form of official English law. It's time to unify our nation. Please join me in voting YES to English as our state's official language.

Debbie Lesko, Community & School Volunteer and Candidate for Peoria School Board, Glendale

This Ballot Measure is very important to ensure that the various state, county and municipal government agencies serve the citizens of Arizona in a fair and impartial manner. The apologists for the illegal invasion of our state try to paint this measure as a racial measure, which is ludicrous. Immigrants who come to this country legally with the intent to become a part of this incredibly successful experiment, called America, are required to learn English as a precursor to applying for citizenship.

It is important to remember that this measure does NOT prevent communication in another language by private citizens or government officials in any way. This measure merely demands that the Official Actions of the government be conducted in English for consistency and efficiency.

It is obvious to even the casual observer that people who are born and raised in American are able to speak English. If legal immigrants must learn to speak English prior to full participation in our society, than the performing of government official functions in another language is being used for those here illegally. It is unconscionable to increase the cost of government to all taxpayers to make it convenient for the lawbreakers who have invaded our state.

I ask you join me in support of this Ballot Measure that protects the Arizona taxpayers from another insulting cost of the illegal invasion of our state. Thank you for your support of this common sense measure presented by your state representatives. **Paid for by Goldwater for Governor Committee.**

Don Goldwater, Goldwater for Governor, Laveen

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

Issued by: Secretary of State Jan Brewer

ARGUMENTS “AGAINST” PROPOSITION 103

You must answer an important question. Others will judge Arizona for years to come based on your answer. That important question is: Do Arizonans still believe in the principles on which this country was founded? The United States was founded on the principle that by granting people freedom and opportunity, they will work hard to create a better life for themselves and their families.

I know Arizonans still value this principle and that is why they will see the following flaws in Proposition 103:

- That we need to help people learn English, not grandstand, and
- That Proposition 103 undermines core constitutional First Amendment protections.

Arizonans should learn English. Learning English will help them achieve the American dream. However, at this same election, the legislature hypocritically also asks you to vote on another measure (Proposition 300), which restricts the ability of adults to take classes to learn English. We must oppose efforts to make English the official language when we refuse to help people learn the language.

The Arizona Supreme Court already spoke to this issue in 1998 when it ruled a similar measure unconstitutional.

- The Supreme Court said that declaring English as the state’s official language deprives people of their fundamental First Amendment rights to access government and deprives government officials of their rights to free speech.

- Inevitably, someone will challenge Proposition 103, and Arizona taxpayers again will waste money on legal fees.

No one is trying to change the language in Arizona or the United States. English will remain the language spoken here regardless of whether Proposition 103 passes. Proposition 103 only serves to divide.

The answer to my question is that we do still believe in the core principles of opportunity and freedom. Vote NO on Proposition 103.

State Rep. Steve Gallardo, District 13, Phoenix

Fellow Arizonans: Proposition 103, which would make English Arizona’s “official” language is unnecessary. When was English declared not to be the official language of Arizona?

As far as we know, all State, County, City or town proceedings and business are conducted in English. The Courts conduct their business in English. Sometimes translators are used in court, but all official court proceedings and records are in English. Our birth, marriage, and death certificates are in English. Even our dreaded tax transactions are in English. This proposal does absolutely nothing to the status quo and we urge you to vote “NO” on this measure.

Proposition 103 supporters posit that not having a law that makes English the “official” language discourages people, particularly immigrants, from learning English. The fact is that English classes in adult education programs are so full that they have to turn people away.

Since there is not a rational basis to make English Arizona’s “official” language, we are left to conclude that Proposition 103 is directed at Spanish speakers. Proposition 103 is a measure that **is steeped in hate**. State Representative Russell Pearce, referring to a teenage co-worker, gives a clue as to the real foundation of Proposition 103, when he said: “He couldn’t speak English, so me and the other workers made fun of him” (Arizona Republic, February 11, 2005). Representative Pearce and other legislators who support Proposition 103 have continuously blocked attempts to increase funding for English classes through Adult Basic Education, giving the lie to their stated concern for people learning English.

Hate for a language or a people is not a basis for amending Arizona’s Constitution.

We ask the diverse and great people of Arizona to **vote “NO” on Proposition 103**.

Jorge Luis Garcia, State Senator, Chairman,
Legislative Latino Caucus

Ben Miranda, State Representative, Chairman,
Legislative Latino Caucus

Paid for by “Jorge Luis Garcia”

RESPECT ARIZONA’S HISTORIC VALUES – VOTE NO ON “ENGLISH ONLY”

HCR2036, originally sponsored by five Maricopa County legislators, is inconsistent with Arizona’s historic values and harmful to the State’s efforts to attract business development opportunities.

This legislative referral proposes to protect the “rights” of persons who use English without explaining the nature of those rights. It would appear that these are nothing more than the rights to be insular, myopic, unsophisticated, uncultured and undereducated. No vested rights are lost as we proclaim on the State Seal our Latin motto of *Ditat Deus*; may God continue to enrich us as we protect diversity. Rural Arizona has a deep history with other languages, from the Spanish spoken along the border to the Native Americans throughout the State to the small pockets of Basques whose ancestors first came here as shepherds. Faith-based organizations and other non-profit groups have a long tradition of overseas service and acculturation. As we embrace these returning missionaries and volunteers, with their enhanced language skills and respect for others, we should also support those public employees who use their bilingual skills to better serve all Arizona residents.

Some people say that Arizona should follow a business model, and business provides us with a great example here. Arizona companies routinely market their products in a variety of languages to an increasingly diverse population. No law requires (or prevents) a company from reaching out to language minorities – it is simply good business. So it should be with government, to enable non-English speakers to ask all the questions needed, and obtain all the material helpful, towards meeting their obligations as residents: the payment of taxes; the conser-

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.

Issued by: Secretary of State Jan Brewer

vation of our natural resources; and the participation in all aspects of civic life. Respect Arizona, and vote no.

Gary Restaino, Phoenix

We, the members of the Coalition for Latino Political Action hereby ask the voters of Arizona to vote no on Proposition 103, which would make English Arizona's "official language."

We recognize that English is already the official language of our state and country and this proposition will do nothing to change any language policies, however, we also know that in the past elected and appointed officials in Arizona have taken enforcement of an action beyond its original intent and the passage of this proposition may be misinterpreted in that same fashion.

Immigrants want to learn English and know that learning it would allow them to prosper in this great country. Let's instead work on increasing the infrastructure to allowing this to happen by appropriating more funding in schools for children to learn English and increasing the number of adult English classes. Vote no on proposition 103.

Lydia Guzman, Chairman, Coalition for Latino
Political Action, Glendale
Paid for by "Lydia Guzman"

Delia Torres, Co Chair, Coalition for Latino
Political Action, Glendale

It wasn't too long ago that we saw wisdom in enacting policies and practices to make it easier for recent immigrants to assimilate into American life. Those who have seen their immigrant parents or grandparents struggle to learn English understand that allowing them to communicate and interact with their government in their native language is not only humane, it is more efficient. Perhaps if third, fourth and fifth generation Americans could go back in time and experience the difficulty their grandparents and great grand parents had as they tried to learn the language of their new homeland, we would not be considering such a measure.

In proposing this change in Arizona's constitution, the legislature attempted to mitigate this unwise measure by stating that the government should encourage greater opportunities for individuals to learn the English language, something on which we can all agree. However, unless and until we adequately fund classes for English language learners, this recommendation is hollow at best.

Studies of recent census data by the Urban Institute and the Migration Policy Institute have found that Arizona has one of the largest and fastest-growing populations of English-language learners of any state in the country. Approximately 18 percent of US residents speak a language other than English at home, and the numbers are greater in Arizona. If you genuinely wish to help immigrants learn English and assimilate more quickly into American life, this measure is not the answer. In fact, it will further marginalize and isolate immigrants and divide us from one another.

The Arizona Advocacy Network, a non-profit community organization dedicated to good government, asks that you vote NO on Proposition 103.

Michael J. Valder, President, Arizona Advocacy
Network, Phoenix
Paid for by "Arizona Advocacy Network"

Eric Ehst, Treasurer, Arizona Advocacy
Network, Phoenix,

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

Issued by: Secretary of State Jan Brewer

BALLOT FORMAT

PROPOSITION 103

**PROPOSED AMENDMENT TO THE CONSTITUTION
BY THE LEGISLATURE**

OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2036
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; REPEALING ARTICLE XXVIII, CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA BY ADDING A NEW ARTICLE XXVIII; RELATING TO ENGLISH AS THE OFFICIAL LANGUAGE.

DESCRIPTIVE TITLE

REPLACES CURRENT PROVISIONS OF THE ARIZONA CONSTITUTION REGARDING ENGLISH AS ARIZONA'S OFFICIAL LANGUAGE; REQUIRES GOVERNMENT TO PRESERVE, PROTECT, AND ENHANCE ENGLISH AS THE OFFICIAL LANGUAGE; REQUIRES OFFICIAL ACTIONS TO BE CONDUCTED IN ENGLISH; SPECIFIES WHEN GOVERNMENT CAN ACT IN OTHER LANGUAGES; PERMITS PRIVATE LAWSUITS TO ENFORCE THIS LAW.

PROPOSITION 103

A "yes" vote shall have the effect of declaring English to be the official language of the State of Arizona, requiring all official actions to be conducted in English, requiring government to preserve, protect and enhance English as the official language, prohibiting discrimination against persons using English, and permitting private lawsuits to enforce the official English amendment to the Arizona Constitution.	YES <input type="checkbox"/>
A "no" vote shall have the effect of retaining the existing provision of the Arizona Constitution regarding the use of English in Arizona government, which was found unconstitutional in 1998; a "no" vote will not affect its unconstitutional status.	NO <input type="checkbox"/>

PROPOSITION 103